



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TX 75202-2733

January 12, 2012

Colonel Edward R. Fleming
District Engineer
New Orleans District
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, LA 70160-0267

Dear Colonel Fleming:

The Environmental Protection Agency (EPA) has reviewed the Joint Public Notice (JPN), dated December 16, 2011, concerning Department of the Army Permit Application Number MVN-2007-2830-WPP submitted by Terrebonne Parish Consolidated Government. The applicant is proposing to construct a flood protection levee (Upper Dularge Levee) with an adjacent borrow area along with a pump station from Provost Canal to Falgout Canal to protect residents along LA Highway 315 located in Terrebonne Parish, Louisiana. The proposed project would directly affect approximately 74.0 acres of jurisdictional tidally influenced wetland habitat and approximately 170.0 acres of like wetland habitat through secondary impacts (impounded area). The comments that follow are being provided for use in reaching a decision relative to compliance with the EPA's 404(b)(1) *Guidelines for Specification of Disposal Sites for Dredged or Fill Material* (40 CFR Part 230).

Louisiana's wetlands represent about 40 percent of the wetlands of the continental United States, but about 80 percent of the losses. These past and ongoing losses can be attributed to natural causes (such as subsidence) and human activities (such as leveeing of the river, construction of oil and gas canals, and development). The area consists of tidally influenced intermediate marsh and bottomland hardwood wetlands that are continuous with adjacent similarly vegetated wetlands. Wetlands such as these support an abundance of plantlife, wildlife, and fish species. In addition to providing valuable habitat, these wetlands also act as filters to remove excess nutrients and toxic pollutants from the water. They also provide excellent floodwater storage. As you are aware, wetland areas such as those proposed to be impacted have experienced a tremendous decline in Louisiana. Thus, we consider them to be aquatic resources of national importance.

EPA fully appreciates the risk tropical storms and hurricanes pose to communities in coastal Louisiana. We continue to work with a wide range of federal, state, and local stakeholders to help reduce such risks in the most environmentally sound way. We recognize that structural measures such as levees can be an important part of an overall hurricane risk reduction strategy. When levees are being proposed, it is essential to ensure that such projects are consistent with coastal restoration efforts. As required by the Clean Water Act, full avoidance and minimization of wetland losses is needed to prevent the unnecessary loss of the natural storm buffering function that coastal wetlands provide.

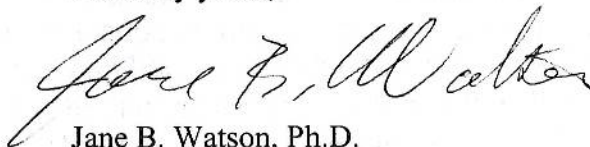
EPA is concerned with the potential direct, indirect, and cumulative impacts of the proposed project. The proposed project would directly impact approximately 65.0 acres of intermediate marsh and 9.0 acres of bottomland hardwood as a result of the levee footprint and borrow area. Approximately 134.0 acres of intermediate marsh and 36.0 acres of bottomland hardwoods would be affected through impoundment. The result in the loss of valuable wetland habitat and other important wetland functions contribute to the cumulative wetland loss in Louisiana and appear to be inconsistent with the public interest in protecting and restoring Louisiana's wetlands.

Efforts to avoid direct and indirect wetland impacts from the proposed project must begin with the review of less damaging levee alignments such as aligning the levee along the wet/non-wet interface.

Based on the potential adverse impacts discussed above, EPA has determined that the project, as presently proposed, may result in significant and unacceptable impacts to aquatic resources of national importance and therefore recommends denial of the project as proposed. This letter follows the field level procedures outlined in the August 1992 Memorandum of Agreement between the EPA and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the Clean Water Act. We would be willing to work with the Corps, applicant, and others in reducing wetland loss to the extent possible and in developing an acceptable compensatory mitigation plan.

Thank you for the opportunity to review and comment on the JPN. If you have any questions or would like to discuss further, please contact Ms. Tamara Mick of my staff, at 214-665-7134.

Sincerely yours,



Jane B. Watson, Ph.D.
Associate Director
Ecosystems Protection Branch

cc: U.S. Fish and Wildlife Service, Lafayette, LA
Department of Fish and Wildlife Service, Baton Rouge, LA
Department of Environmental Quality, Baton Rouge, LA
National Marine Fisheries Service, Baton Rouge, LA